

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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September 1, 2020

The Honorable Carolyn Maloney  
Chairwoman, Committee on Oversight and Reform  
2308 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairwoman Maloney:

Yesterday, on August 31, 2020, your staff informed us of your intention to issue a subpoena to Postmaster Louis DeJoy for a voluminous number of documents. On the same day we learned of this subpoena, we also learned that you have decided, at least in this instance, not to honor the agreement the late Chairman Elijah Cummings made with then-Ranking Member Jim Jordan on January 29, 2019. Under that agreement, the Committee would hold a business meeting to vote before the issuance of any subpoenas, if the minority requested such a meeting. This agreement served the Committee well by allowing an open and transparent process that gave all Members of the Committee the ability to provide input on whether a subpoena was appropriate. Your decision to renege on holding these business meetings was done without even notifying or consulting me in advance of the change. As such, I respectfully request that you convene a business meeting to vote on your subpoena.

As you may know, the agreement between the late Chairman Elijah Cummings and then-Ranking Member Jim Jordan describes congressional subpoenas as “a powerful and coercive tool.”<sup>1</sup> Additionally, it states “[t]he Chair intends to avoid the use of unilateral subpoenas whenever possible. In the normal course he hopes to work with the Ranking Member on proposed subpoenas well in advance.”<sup>2</sup> In fact, the agreement was intended to ensure that the Committee’s practices are transparent, stating that “the Members deserve the opportunity to go on the record for some of the most important work they will do, and the public deserves the opportunity to see them do that work in the open.”<sup>3</sup> Unfortunately, to date, the process of issuing your subpoena to Postmaster DeJoy has been anything but open and transparent.

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<sup>1</sup> H. Comm. on Oversight & Gov’t Reform, Minority, Press Release, *Jordan Statement on Cummings’ Commitment to an Open and Deliberative Subpoena Process*, Jan 29, 2019, available at <https://republicans-oversight.house.gov/release/jordan-statement-on-cummings-commitment-to-an-open-and-deliberative-subpoena-process/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

In this case, it appears your decision to unilaterally issue a subpoena for the first time is directly related to the fact that the information being subpoenaed is overly broad, would be burdensome to produce, and therefore would be difficult to defend during a Committee meeting on its appropriateness. The subpoena schedule consists of four pages of voluminous document requests, some of which may not even exist. This comes one week after Postmaster DeJoy voluntarily testified before the Committee for over five hours and made a good faith effort to answer questions from all Committee Members despite being unfairly attacked by Democrats, including one Member suggesting he was engaged in a vast criminal conspiracy and at least four others calling for his resignation.

One media publication even questioned whether the hearing, “at times riddled with technical difficulties,” was a waste of time.<sup>4</sup> Now you are attempting to keep your unfounded attacks on the Postal Service alive by issuing an overly broad subpoena without even conducting a transparent process.

I object to the subpoena at this time under these circumstances. If you intend to proceed with this subpoena, I request a vote of the Committee pursuant to the January 29, 2019, agreement. If you will no longer honor this agreement, please provide an explanation as to why you are unilaterally changing this policy and why you decided not to consult or notify me of such an abrupt change to Committee practice in the 116<sup>th</sup> Congress.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive, flowing style.

James Comer  
Ranking Member  
Committee on Oversight and Reform

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<sup>4</sup> Jake Sherman, Anna Palmer, et al., *Politico Playbook PM: Make congressional hearings great again*, POLITICO, Aug. 8, 2020, available at <https://www.politico.com/newsletters/playbook-pm/2020/08/24/make-congressional-hearings-great-again-490169>.